

1 ROBERT S. ARNS (#65071, rsa@arnslaw.com)
2 JONATHAN E. DAVIS (#191346, jed@arnslaw.com)
3 STEVEN R. WEINMANN (#190956, srw@arnslaw.com)
4 THE ARNS LAW FIRM
5 515 Folsom Street, 3rd Floor
6 San Francisco, CA 94105
7 Tel: (415) 495-7800
8 Fax: (415) 495-7888

9 JONATHAN M. JAFFE (# 267012, jmj@jaffe-law.com)
10 JONATHAN JAFFE LAW
11 3055 Hillegass Avenue
12 Berkeley, CA 94705
13 Tel: (510) 725-4293
14 Fax: (510) 868-3393

15 Attorneys for Plaintiffs

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION

19 ANGEL FRALEY; PAUL WANG; SUSAN
20 MAINZER; JAMES H. DUVAL, a minor,
21 by and through JAMES DUVAL, as
22 Guardian ad Litem; and W.T., a minor, by
23 and through RUSSELL TAIT, as Guardian
24 ad Litem; individually and on behalf of all
25 others similarly situated,

26 Plaintiffs,

27 v.

28 FACEBOOK, INC., a corporation; and
DOES 1-100,

Defendants.

Case No. CV 11-01726 LHK

DECLARATION OF STEPHEN
BROBECK IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT

Date: July 12, 2012

Time: 1:30 p.m.

Courtroom: 8

Judge: Hon. Lucy H. Koh

Trial Date: December 3, 2012

DECLARATION OF STEPHEN BROBECK IN SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

CASE No. CV 11-01726 LHK

1 I, Stephen Brobeck, hereby state and declare:

- 2 1. I am Executive Director and CEO of the Consumer Federation of America (CFA) and have
3 been since the spring of 1980 at the decision of the CFA Board of Directors. My biography
4 is attached as Exhibit 1. I make this Declaration in support of Plaintiffs' Motion for
5 Preliminary Approval of Class Action Settlement.
- 6 2. CFA is a non-profit, 501(c)(3) corporation founded in 1968. The main office of CFA is at
7 1620 I Street, NW, Suite 200, Washington, DC 20006. The phone number is 202-387-
8 6121. The website URL is consumerfed.org.
- 9 3. CFA's mission, as a non-profit public policy organization, is to advance the consumer
10 interest through research, advocacy and education. CFA's some 270 non-profit members,
11 who elect the Board of Directors and establish its policy positions, include a broad range of
12 organizations, including Consumers Union (Consumer Reports), the National Consumer
13 Law Center, AARP, over 100 state and local consumer groups and over 100 consumer
14 cooperatives, including many credit unions and rural electric cooperatives.
- 15 4. CFA's 24 staff members are supported by a budget of nearly \$3 million annually,
16 specifically, \$3.3 million in 2009, \$2.7 million in 2010, and 2.7 million in 2011. Our
17 annual financial reports are independently audited and reviewed and approved by the CFA
18 Board of Directors, which reviews organizational finances at its three meetings each year.
19 A current list of Board members is attached as Exhibit 2.
- 20 5. I am familiar with the issues in this case and believe that the settlement agreed upon
21 between Facebook and Plaintiffs is a fair settlement that will bring excellent relief to the
22 class.
- 23 6. For several decades, scholars have identified CFA as one of the nation's most influential
24 consumer organizations. During this period, for example, CFA and Consumers Union each
25 have been asked by the U.S. Congress to give testimony far more often than any other
26 consumer organization. In recent years, CFA played an instrumental role in successfully
27
28

-1-

**DECLARATION OF STEPHEN BROBECK IN SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

CASE NO. CV 11-01726 LMK

1 advocating legislation and regulation with significant new consumer protections. These
2 measures include:

- 3 a. The Dodd-Frank Wall Street Reform and Consumer Protection Act (2010),
4 which represents the most substantial restructuring of financial regulation since
5 the Great Depression. CFA's extensive efforts to support this legislation
6 included leadership of coalition efforts, grassroots organizing, supportive
7 research and analysis, traditional and social media communications and
8 communications with congressional leaders and the Administration. CFA was
9 one of the primary groups with which Senator Dodd and Congressman Frank
10 communicated about the consumer provisions of their legislation.
- 11 b. The Consumer Product Safety Improvement Act (2008), which greatly
12 strengthened consumer product safety protections through increased funding for
13 the Consumer Product Safety Commission, greater public access to data about
14 unsafe products and more effective testing of dangerous products. With
15 Consumers Union, CFA helped lead the coalition of consumer groups that
16 successfully urged Congress to approve this legislation. As well as this
17 leadership, our work included building a case for these and other reforms,
18 talking frequently with the news media and proposing and reviewing provisions.
- 19 c. Net Neutrality Requirements (2010), which the Federal Communications
20 Commission approved to prohibit internet providers from blocking or impairing
21 consumer access to content and services on the Web. Over a two-year period,
22 CFA communicated frequently with congressional leaders, with the White
23 House and with FCC members, including the Chairman, to persuade the FCC to
24 issue the strongest possible requirements that were politically feasible and to
25 dissuade Congress from passing legislation that would have rolled back these
26 requirements.

1 7. In the area of commercial use of consumer's personal information for advertising and other
2 purposes, since 2007 CFA has played a leadership role in advocating for government and
3 industry policies that would set appropriate limitations and provide meaningful
4 transparency and consumer control.

5 a. For example, CFA was among the groups that in 2007 conceived and proposed
6 to the Federal Trade Commission (FTC) the concept of a Do Not Track tool that
7 consumers could use to control online behavioral advertising. The FTC was
8 ultimately persuaded to endorse this concept, encouraging browser
9 manufacturers to incorporate Do Not Track tools and spurring the Do Not Track
10 standard-setting work currently taking place within the World Wide Web
11 Consortium.

12 b. CFA also worked with other groups to develop a Legislative Primer for Online
13 Behavioral Tracking and Targeting and has testified in Congress on this issue.

14 c. In numerous comments to the FTC, Department of Commerce and Congress,
15 CFA has advocated and continues to work for strong legal protections against
16 unfair commercial use of information about consumers, online or offline and
17 effective consumer controls. CFA had significant influence on the Consumer
18 Privacy Bill of Rights, principles issued by the White House earlier this year,
19 and is working with other groups to urge that these rights be enacted into law.

20 d. In relation to social media, CFA joined with other groups in several complaints
21 to the FTC about changes in Facebook's privacy policies. These complaints
22 helped to persuade the FTC to take action, resulting in a significant settlement
23 with the company to ensure that it keeps its promises to consumers about the use
24 of their personal information and asks for their consent before using this
25 information in ways not previously disclosed.

1 b. We look forward to utilizing what we have learned from this campaign, and
2 many other educational and social marketing initiatives, to encourage consumer
3 users of social media to make more informed decisions. We would use national
4 networks, starting with our 270 nonprofit member groups, and traditional news
5 media, which report on our work and quote our experts daily, to undertake this
6 education. That would include disseminating, through all three communications
7 vehicles, the findings of national surveys of consumer knowledge and opinion
8 about social media policies and practices.

9 I declare under the penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct, and that if called upon to testify, I could verify the accuracy of the
11 same. This document was executed on July __, 2012 in Washington, D.C.
12
13
14

15 
16

17 Stephen Brobeck
18
19
20
21
22
23
24
25
26
27
28